

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Petition of the Connecticut Department)	CC Docket No. 99-200
of Public Utility Control for Authority)	NSD File No. L-02-03
to Conduct a Transitional Service)	
Technology Specific Overlay Trial in)	
Connecticut)	

**REPLY COMMENTS OF AT&T WIRELESS SERVICES, INC. ON CTDPU
PETITION FOR AUTHORITY TO CONDUCT A TRANSITIONAL SERVICE
TECHNOLOGY SPECIFIC SERVICE OVERLAY TRIAL**

AT&T Wireless Services, Inc. (“AWS”) respectfully submits these reply comments on the Petition of the Connecticut Department of Public Utility Control (“CTDPUC”) for authority to conduct a technology specific service overlay trial (“Petition”).¹ Although the commenters are divided on whether the Commission should grant or deny the Petition, the majority of commenters echo AWS’ concerns that the Petition fails to meet the required showing for obtaining authority to implement the transitional service technology specific overlay (“SO”) trial. In particular, the parties agree that the CTDPU’s SO is deficient because it does not: (i) require 10 digit dialing; (ii) provide wireless carriers access to the underlying area code when they become pooling-capable; and (iii) provide the requisite cost-benefit analysis for its apparent proposed take-backs of non-geographic numbers. Although these deficiencies justify denial of the Petition, AWS agrees with Nextel (and to some extent, SBC) that the Petition could be granted if these key problems were corrected. AWS also offers below comments on several additional proposals made by the parties.

¹ See Public Notice, DA 02-274, *Common Carrier Bureau seeks comment on the Petition of the Connecticut Department of Public Utility Control for delegated authority to implement transitional service-specific and technology-specific overlays* (Feb. 6, 2002) (reply comments due on March 8, 2002).

I. THE RECORD DEMONSTRATES UNIFORM SUPPORT FOR CONDITIONING THE SERVICE OVERLAY ON CERTAIN CHANGES

Parties have uniformly commented on the Petition's deficiencies in several areas, including: (1) the Petition's failure to provide 10 digit dialing for the SO;² (2) the CTDPUc's failure to make the requisite showing to justify take-backs of numbers;³ and (3) the failure to provide wireless carriers, once they become pooling capable, access to numbers in the underlying area code.⁴ For example, all parties commenting on the CTDPUc's failure to require 10 digit dialing emphasize that 10 digit dialing is essential to prevent confusion and code conflicts in routing calls.⁵ Even parties who support granting the Petition, agree with AWS that 10 digit dialing should be required.⁶ The parties are also united in their opposition to the CTDPUc's apparent proposal to take back assigned non-geographic numbers.⁷ Finally, a number of the commenters observe that it would be inconsistent with number resource optimization goals to prevent wireless carriers -- once they become pooling capable -- from obtaining numbers within the underlying NPA.⁸ As Sprint notes, it "would make no sense for pooling-capable carriers relegated to a specialized overlay to open a new NXX code . . . when 25

² See, e.g., Nextel comments at 5-6; Voicestream comments at 5-6; Verizon Wireless comments at 8; Sprint PCS comments at 19-21; CTIA comments at 6.

³ Nextel comments at 4-5; Voicestream comments at 4-5; Verizon Wireless comments at 7; CTIA comments at 5-6; Sprint comments at 16-19. Even SBC, which supports granting of the Petition, notes that the CTDPUc has not made the required showing for take-backs of numbers, and that if the Commission permits take-backs, it should only permit take backs of "unopened NXXs." SBC comments at 3-4.

⁴ See Sprint PCS comments at 23-24; Cingular Wireless comments at 7-8; Verizon Wireless comments at 6-7; see also AWS comments at 4.

⁵ See SBC comments at 4 (recommending 10 digit dialing between area codes as well as for non-geographic services, and proposing that the Connecticut Commission convene an industry conference before implementing the SO trial, to determine what potential problems may arise without 10 digit dialing for non-geographic services).

⁶ AWS comments at 6-7; Nextel comments at 5-6; and SBC comments at 4.

⁷ In addition, Voicestream emphasizes that not only is the Petition deficient with regard to articulating and justifying whether it will take back non-geographic numbers, but that the CTDPUc must not mistakenly include wireless customer numbers as "non-geographic" numbers subject to take-backs. Voicestream comments at 4-5.

⁸ See, e.g., AWS comments at 5-6; Sprint PCS comments at 24; Verizon Wireless comments at 6-7; Cingular Wireless comments at 7-8.

blocks (containing 25,000 unused numbers) are already available in the underlying NPA.”⁹ The majority of commenters, including AWS, note that the Petition’s deficiencies are sufficient enough to deny implementation of the SO in its current form. AWS agrees with Nextel,¹⁰ however, that the SO could proceed, if these deficiencies were corrected.

II. AREA CODE RELIEF MUST BE IMPLEMENTED BY NOVEMBER 2002

At the outset AWS notes that, regardless of whether the Commission grants the Petition for an SO or not, immediate area code relief in Connecticut is long overdue.¹¹ As both Voicestream and Verizon Wireless note, the projected exhaust dates for the underlying 230 and 860 NPAs in Connecticut are less than one year away.¹² Accordingly, AWS supports Nextel’s request that the Commission order area code relief to commence in the second quarter of 2002, and to be completed so that *NXXs are available for carriers to assign to customers by November 15, 2002*.¹³ If the Commission grants the Petition, then the relief should be in the form of an SO with the changes recommended by AWS in its opening comments. In the event that the Commission denies the Petition for an SO, the Commission should order that the CTDPU immediately begin the process to implement an *all-services overlay*, consistent with the area code relief plan ordered by the CTDPU.¹⁴ In either case, to ensure carriers do not run out of numbers – especially during the holiday season, codes must be made available for carriers in time so that they may assign numbers to customers by November 2002.¹⁵

⁹ Sprint PCS comments at 24.

¹⁰ See generally Nextel comments.

¹¹ See Nextel comments at 7; Voicestream Wireless comments at 6-8; Verizon Wireless comments at 6.

¹² Voicestream Wireless comments at 6-8; Verizon Wireless comments at 6.

¹³ Nextel comments at 7.

¹⁴ See Nextel comments at 2.

¹⁵ This means that NXXs must be available to carriers, at a minimum, by September 2002, because under the CO Code assignment guidelines it takes approximately 66 days from the assignment of a number for that number to be activated in national databases and available for use. CO Code Assignment Guidelines at § 6.1.2.

III. SBC'S PROPOSAL TO PROVIDE CONDITIONAL AUTHORITY TO THE CTDPUK MUST BE REJECTED

SBC proposes that the Commission grant the Petition, conditioning it upon the CTDPUK's hosting of a technical conference to discuss unresolved issues concerning what type of services should be included in the SO and the potential ramifications of not requiring 10 digit dialing within an area code for non-geographic based services.¹⁶ Although technical conferences may be useful to determine issues that have not been resolved regarding SOs, the time to hold such conferences should be *prior* to the submission of a state petition, and not subsequent to the Commission's grant of delegated authority. In the *Third NRO Order*, the Commission established very specific criteria that the states must meet in seeking authority to implement a SO.¹⁷ SBC's proposed grant of authority would effectively allow states to circumvent these requirements and might result in the implementation of an SO that is inconsistent with the Commission's guidelines. Accordingly, the Commission must reject SBC's proposal; if the Commission grants the Petition, any significant unresolved issues must be resolved in the Commission's order.

IV. IF THERE ARE TAKE-BACKS OF UNOPENED NXXS, THERE MUST BE INSTANTANEOUS ACCESS TO NEW NXXS

As noted above, the record demonstrates that the Commission cannot permit take-backs of assigned numbers – even non-geographic numbers. Only SBC and Nextel provide any comment on the CTDPUK's proposal to take back unopened NXXs.¹⁸ Specifically, SBC supports take-backs of unopened NXXs, while Nextel notes that, if the Commission permits

¹⁶ SBC comments at 4-5.

¹⁷ See Numbering Resource Optimization, Implementation of Local Competition Provisions of the Telecommunications Act of 1996, Telephone Portability, FCC 01-362, Third Report and Order and Second Order on Reconsideration in CC Docket No.96-98 and CC Docket No.99-200 (rel. Dec. 28, 2001) ("Third NRO Order").

¹⁸ SBC comments at 3-4; Nextel comments at 4-5.

take-backs of unopened NXXs, it must provide instantaneous access to new NXXs in the new numbering plan area (“NPA”). While AWS does not oppose in principle the take-backs of unopened NXXs, AWS agrees with Sprint and Nextel that there are not likely to be very many unopened NXXs remaining in the 203 and 860 NPAs in Connecticut, given the Commission’s code reclamation rules.¹⁹ Thus, the effectiveness of taking back unopened NXXs in terms of area code relief is questionable. To the extent that the Commission does permit the take-backs of unopened NXXs, under the Commission’s rules, AWS agrees with Nextel that any such authority must be conditioned on allowing carriers to have instant access to new NXXs in the new NPA.²⁰ Carriers are only permitted to maintain a limited inventory of unassigned telephone numbers under the Commission’s rules;²¹ any reduction in those numbers would pose risks that carriers would not have enough numbers to serve customers.

V. TRANSITION TO AN ALL-SERVICES OVERLAY MUST OCCUR AT A REASONABLY DEFINED TIME

Many other commenters in addition to AWS express concern that the CTDPUc proposed SO could end up being permanent, if the Commission permits the transition trigger to be the “exhaust” date.²² Commenters also express concern about the inherent unfairness of segregating customers of one technology in a separate area code.²³ AWS’ and other carriers’ proposal that wireless carriers be able to obtain access to underlying codes when they become *pooling-capable*

¹⁹ In fact, Sprint PCS states that 763 (or 96%) of 792 NXXs in the 860 NPA have been assigned, and the remaining unopened NXXs could exhaust within months. Further, the 203 NPA is expected to run out of numbers next year, as 743 (94%) of the 792 NXXs in that NPA have already been assigned. See Sprint PCS comments at 2.

²⁰ AWS also agrees with Nextel that, because of numbering requirements that carriers must return unopened NXXs within 6 months if they have not used them, “there are not likely to be many opportunities for this type of proposed takeback.” Nextel comments at 5.

²¹ See *Matter of Numbering Resource Optimization*, FCC 00-104, CC Docket No. 99-200, Report and Order and Further Notice of Proposed Rulemaking (2000) (*First NRO Order*); see also CO Code Assignment Guidelines at § 6.3.3 and § 8.0.

²² See Nextel comments at 4; Voicestream Wireless comments at 3-4; Verizon comments at 2; AWS comments at 5.

²³ See, e.g., Sprint PCS comments at 6-8.

addresses both of the above concerns.²⁴ By allowing wireless carriers to obtain access to the underlying NXXs when they are able to pool, the Commission prevents the underlying NPAs from being underutilized and never reaching “exhaust,” and further ensures that wireless carriers are treated in a fair manner once they are able to participate in pooling. If this change is adopted, the Commission could grant the CTDPU’s proposal to use “exhaust” as the trigger.

If, however, the Commission ignores the significant record support for this change and chooses not to allow wireless carriers access to the underlying code when they become pooling-capable, the Commission must implement a reasonable trigger date that addresses the risk of a permanent SO and inter-service porting issues that will arise when wireless carriers become LNP-capable.²⁵ Specifically, AWS proposes that the Commission require that the SO transition to an all-services overlay when the earlier of the following occurs: (1) exhaust of the underlying code; (2) the date when all pooling carriers become LNP-capable; or (3) as Nextel proposed, if none of the above events have occurred, a date certain of February 2005.²⁶ This proposal (1) ensures that the SO is not permanent because the SO will transition to an all-services overlay when wireless carriers become LNP-capable, or if the Commission does not establish a LNP-date for wireless carriers, at a minimum, by February 2005; and (2) addresses inter-service porting issues.

²⁴ See AWS comments at 5-6; *see also* Verizon Wireless comments at 6-7; Cingular Wireless comments at 7-8.

²⁵ Sprint PCS correctly observes that once customers can port their numbers between landline and mobile phones, the rationale for segregation no longer exists. Sprint PCS comments at 9-10.

²⁶ See Nextel comments at 4.

VI. CONCLUSION

For the foregoing reasons, AWS respectfully requests that if the Commission grants the Petition, it do so conditioned upon the changes discussed here and in its opening comments.

Respectfully submitted,

AT&T Wireless Services, Inc.

Suzanne Toller
Jane Whang
Davis Wright Tremaine LLP
One Embarcadero Center, Suite 600
San Francisco, CA 94111
Tel.: (415) 276-6500
Fax: (415) 276-6599

/s/
Douglas I. Brandon
Vice President – Legal and External Affairs
AT&T Wireless Services, Inc.
1150 Connecticut Avenue, N.W., 4th Floor
Washington, DC 20036
Tel. (202) 223-9222

Attorneys for AT&T Wireless Services, Inc.

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